

LEGAL NOTICE No. 12

REPUBLIC OF TRINIDAD AND TOBAGO

THE PROVISIONAL COLLECTION OF TAXES ACT, CHAP. 74:01

ORDER

MADE BY THE PRESIDENT UNDER SECTION 3 OF THE PROVISIONAL COLLECTION OF TAXES ACT

THE PROVISIONAL COLLECTION OF TAXES ORDER, 1988

1. This Order may be cited as the Provisional Collection of Taxes Order, Citation 1988.

2. 3. 4. (See LN 13/1988)

5. 2. The Immigration Regulations are amended in the Seventh Schedule by deleting items (a) to (c) and substituting therefor the following:

Chap. 18:01 amended

See LN 13/1988 par 2 (b)

“Travel Documents Fees Payable \$ c.

(a) Passports		
(i) Adult (Size A—32 pages)	100	00
(ii) Child (under 16 years of age for five years renewable without charge after the first five years for full validity of ten years)	25	00
(iii) Special [Size B—larger than Size A in (i) above] ...	300	00
(b) Replacement of lost or mutilated passport	300	00
		(non refundable)
(c) Travel Permit	100	00.”

6, 7, 8, 9

3. The Trinidad and Tobago Telephone Act is amended by inserting immediately after section 11 the following new section—

Chap. 47:30 amended

“Tax on telephone bills

11A. (1) There shall be charged on business subscribers, a telephone tax of ten per cent on all billings excluding the charge for rentals, for services supplied by the Company.

See LN 13/1988 par 2 (d)

(2) The tax shall be paid to the Company which shall deposit it with the Comptroller of Accounts for the account of the Board of Inland Revenue.

(3) Where the monies paid by a subscriber represents only a part of his liability to the Company, the sum payable to the Comptroller of Accounts under subsection (2) shall be ten per cent of the monies so paid.”

Chap. 48:50
amended

4. The First Schedule to the Motor Vehicles and Road Traffic Act is amended—

(a) in item 4—

(i) by substituting for sub-item (a) the following—

“4(a) Private Motor Cars, Station Wagons and Estate Cars

Maximum Gross Weight	HORSE POWER—R.A.I. RATING					
	12 and Under	Over 12	Over 20	Over 30	Over 40	Over 50
Up to 1,599 lb. ...	\$ c. 101 25	\$ c. 157 50	\$ c. 213 75	\$ c. 360 00	\$ c. 540 00	\$ c. 735 00
1,600–2,099 lb. ...	123 75	184 50	318 00	390 00	585 00	765 00
2,100–2,599 lb. ...	157 50	213 75	360 00	435 00	615 00	810 00
2,600–3,099 lb. ...	213 75	360 00	435 00	510 00	690 00	885 00
3,100–3,599 lb. ...	360 00	435 00	510 00	585 00	765 00	960 00
3,600–4,099 lb. ...	435 00	510 00	585 00	660 00	780 00	1,035 00
4,100 lb. and over ...	510 00	585 00	660 00	735 00	915 00	1,110 00.”;

(ii) by substituting for the figures appearing under the heading “Goods Vehicles” the following figures—

“GOODS VEHICLES

<i>Petrol</i>	<i>Other than Petrol</i>
\$ c.	\$ c.
101 25	461 25
117 00	492 75
135 00	524 25
153 00	558 00
171 00	591 75
198 00	636 75
234 00	693 00
281 25	762 75
337 50	843 00
393 75	929 25
450 00	1,012 50
506 25	1,098 00
562 50	1,181 25
618 75	1,266 75
675 00	1,350 00
731 25	1,435 50
787 50	1,518 75
843 75	1,604 25
900 00	1,687 50
956 25	1,773 00
1,012 50	1,851 75
1,068 75	1,941 75
1,125 00	2,025 00
1,181 25	2,110 50
1,237 50	2,193 75
1,293 75	2,279 25
1,350 00	2,362 25
1,406 25	2,448 00
1,462 25	2,531 25.”;

- (b) in item (7a) by substituting for the words "\$100.00" the words "\$200.00";
- (c) in item (12) by substituting for the words "\$20.00" the words "\$100.00";
- (d) in item (14) by substituting for the words "\$40.00" wherever they appear, the words "\$100.00".

¹²5- The Trinidad and Tobago Electricity Commission Act is amended by Chap. 54:70 inserting immediately after section 53 the following new section— amended

"Tax on electricity bills

53A. (1) There shall be charged on all consumers an electricity tax of ten per cent on all billings by the Commission for energy supplied by the Commission.

(2) The tax shall be paid to the Commission which shall deposit it with the Comptroller of Accounts for the account of the Board of Inland Revenue.

(3) Where the monies paid by a consumer represents only a portion of his liability to the Commission, the sum payable to the Comptroller of Accounts under subsection (2) shall be ten per cent of the monies so paid."

*Lfcre.
See LN, 13/1988
para 2 (e)*

3-6: The Income Tax Act is amended—

Chap. 75:01 amended

- (a) in paragraph 5(1)(e) by deleting all the words following the word "otherwise" occurring in line ten thereof;
- (b) in section 8(1) by deleting paragraph (j);
- (c) in section 10(1) by adding immediately after paragraph (c) the following new paragraph—
 "(d) in the case of expenses incurred in respect of meals and entertainment the amount allowed shall be seventy-five per cent of such expenses,";
- (d) in section 12 by inserting a new paragraph (j) as follows—
 "(j) rental payments unless ten per cent of such rental is deducted by the person making such payments/and paid to the Board forthwith on account of the payee's tax for the year of income.";
- (e) by inserting a new section 34A as follows—

"Interest on savings

34A. (1) There shall be charged upon the interest on all classes of savings and deposit accounts with banks and such other financial institutions where such interest has been paid, credited or has accrued to the taxpayer in a year of income, a tax at the rate of ten per cent on the interest so paid or credited.

(2) The charge shall be deducted by the bank of other financial institution from the interest of the depositor at the time when such interest is paid, credited or has accrued, and the amount of the charge shall forthwith be remitted to the Board.";

*Incurred for the purpose of the production of income
— ?
para 2 (f)

See para 2 (e)*

(f) by inserting immediately after section 48 the following new sections—

“Mobiliza-
tion
surcharge

48A. (1) There shall be levied and paid to the Board income tax in this section referred to as a “mobilization surcharge” on the total income of every person at the rate of five per cent.

(2) Notwithstanding any rule of law to the contrary, the income of a person that would, but for the provisions of any written law (other than this Act except section 42) conferring exemptions from income tax shall be within the charge to the tax imposed by this section.

(3) In this section total income has the meaning assigned to it by section 8.

(4) This section does not apply to a resident individual whose total income does not exceed \$12,000 for a year of income.

Business
levy

48B. (1) Notwithstanding any exemption from income tax granted under any written law, a tax to be called the Business Levy shall be charged for each year of income on the gross sales or receipts for that year of income of any person carrying on any trade, business, profession or vocation at the rate of one per cent on such sales or receipts.

(2) The tax shall be payable on the gross sales or receipts of each quarter ending on 31st March, 30th June, 30th September and 31st December within fifteen days from the end of each quarter and shall be accompanied by a return in the form approved by the Board.”;

(g) in the First Schedule by substituting for the words “45 per cent” occurring in line two thereof, the words “forty per cent”;

9 (h) by inserting a new subsection as follows—

“76(6) Any person who refuses, fails or neglects to furnish a return of income within six months of the time required to file the return shall, in addition to any other penalty provided in the Act, be liable to a penalty of \$100 for every six months or part thereof during which such failure, neglect or refusal continues.”;

(i) in section 79 by—

(i) inserting subsection (1A) and (1B) as follows—

“(1A) A person to whom subsection (1) applies shall in one year of income pay to the Board a total sum equivalent to not less than eighty per cent of the estimated chargeable income for the year of income.

(1B) Where, however, less than eighty per cent of the tax liability to which subsection (1A) applies is paid by the end of the fourth quarter of the year of income, the amount that remains unpaid shall be subject to interest charged and payable under this Act.”;

- (ii) inserting immediately after subsection (3) the following new subsection—

“(3A). Where the estimated chargeable income for a year of income exceeds or is likely to exceed the chargeable income of the preceding year of income a person shall make quarterly payments on the basis of the income in the current year.”;

R (j) in section 99(4)—

- (i) by substituting for the words “ten per cent” occurring in line ten thereof the words “fifty per cent.”;
- (ii) by substituting for the words, “twelve per cent” in line eleven the words “fifteen per cent” and by deleting the words “if made within twelve months and thereafter at the rate of fifteen per cent a year, as if the same was tax payable by such person on the date when such amount was required to be deducted, withheld, remitted or paid, as the case may be,” occurring in lines fifteen to seventeen;

i (k) in section 103(2) by deleting the word “twelve” occurring in line four and substituting therefor the word “fifteen”;

J (l) in section 121(1) by substituting for the words “three thousand dollars” occurring in line three thereof the words “fifteen thousand dollars”, and for the words “and to imprisonment for six months” occurring in lines three and four thereof, the words “or imprisonment for two years”;

K (m) by deleting section 130;

L (n) in section 134 by inserting the following new subsection as follows:

“(8) Where a motor vehicle or any equipment belonging to a company is made available for the private use of any of its directors or for any person employed by it in an employment to which sections 133 to 141 apply, such use shall be treated as a perquisite of the office or employment of that director or employee and included in the emoluments as defined in section 100 of such director or employee and chargeable to income tax accordingly and the value per month of such perquisite shall be deemed to be one per cent of the cost of acquisition or $33\frac{1}{3}$ per cent of the monthly rental incurred by the employer as the case may be of such motor vehicle or equipment.”;

(o) in the Third Schedule by—

(i) substituting for paragraph 1 of Part I, the following—

“1. The rates of tax payable on the chargeable income of a person other than a company shall be as follows—

<i>Chargeable Income</i>	<i>Rate of Tax</i>
(a) for every dollar of the first \$2,000	5 cents
(b) for every dollar of the next \$2,000	10 cents
(c) for every dollar of the next \$2,000	13 cents
(d) for every dollar of the next \$2,000	18 cents
(e) for every dollar of the next \$2,000	23 cents
(f) for every dollar of the next \$5,000	28 cents
(g) for every dollar of the next \$5,000	33 cents
(h) for every dollar of the next \$5,000	38 cents
(i) for every dollar of the next \$5,000	43 cents
(j) for every dollar of the next \$10,000	48 cents
(k) for every dollar thereafter	50 cents.”;

(ii) deleting paragraph 2;

(p) in the Fourth Schedule by substituting for the words “185” and “85” occurring in paragraphs 1 and 2 respectively, the words “165” and “65”.

Chap. 75:02
amended

14 7. The Corporation Tax Act is amended—

(a) by inserting the following new section—

“Business
levy

48A. (1) Notwithstanding any exemption from income tax granted under any written law, a tax to be called the Business Levy shall be charged for each year of income on the gross sales or receipts for that year of income of any person carrying on any trade, business, profession or vocation at the rate of one per cent on such sales or receipts.

(2) The tax shall be payable on the gross sales or receipts of each quarter ending on 31st March, 30th June, 30th September and 31st December within fifteen days from the end of each quarter and shall be accompanied by a return in the form approved by the Board.”;

(b) in the First Schedule by substituting for the words “45 per cent” occurring in line two thereof, the words “forty per cent”.

15-8. The Unemployment Levy Act is amended—

Chap. 75:03
amended

- (a) in section 6 by inserting immediately after the word “person” occurring in line three thereof the words “other than an individual”;
- (b) in section 7—
 - (i) by deleting the colon and the word “(a)” occurring in lines three and four thereof;
 - (ii) by deleting paragraph (b);
- (c) by deleting section 10.

16-9. The Stamp Duty Act is amended in the First Schedule—

Chap. 76:01
amended

- (a) under the heading “*Customs entries in respect of imported goods*” by substituting for the words “6 per cent” and “12 per cent”, the words “10 per cent” and “20 per cent” respectively;
- (b) by renumbering paragraph (k) as paragraph (l) and inserting immediately after paragraph (j) a new paragraph (k)—
 - “(k) the personal and household effects excluding motor vehicles, of a resident of Trinidad and Tobago returning to reside in Trinidad and Tobago, provided that such resident has resided abroad continually for at least five years and does not migrate within a period of three years from the date of his return.”.

17-10. The Purchase, Sweepstake, Departure and Airline Ticket Taxes Act is amended in the First Schedule—

Chap. 77:01
amended

- (a) by increasing by five per cent the rates of tax set out in the Second Column of Parts I and II;
- (b) by substituting for paragraphs (c) under the heading “Goods not chargeable with Purchase Tax”, the following—
 - “(c) Household effects, admitted as such by the Comptroller of Customs and Excise, brought in for personal use and not for sale or exchange, which are declared to have been in use of the passenger for at least one year as well as all the household effects of a resident of Trinidad and Tobago returning to reside in Trinidad and Tobago, provided that such resident has resided abroad continually for at least five years and does not migrate within a period of three years of his return.”

18-11. The Finance Act 1987 is amended—

Act 14 of 1987
amended

- (a) in section 5(2)—
 - (i) by substituting for the words “ten per cent” occurring in line five thereof, the words “fifty per cent”;
 - (ii) by substituting for the words “twelve per cent” occurring in line six thereof the words “fifteen per cent”;
- (b) by deleting paragraph (a) of section 16;
- (c) by deleting subsection 18(4); and
- (d) by inserting a new section 24A as follows—
 - “Exemption 24A. The provisions of this Part do not apply to individuals.”.

Manufacturing and Processing tax

Chap. 78:01

¹⁹12. (1) There shall be charged a tax, to be called a Manufacturing and Processing tax, of twelve and one half per cent on all goods, plant and machinery imported duty-free, for an approved undertaking, under section 56(3) of the Customs Act.

(2) The tax imposed under subsection (1) shall be paid to the Comptroller of Customs at the time the goods are entered.

Special tax

²⁰13. (1) A special tax of ten per cent on the C.I.F. value up to a maximum of \$25,000 of any household effects excluding motor vehicles, of a resident of Trinidad and Tobago who has resided abroad for less than five years and who does not migrate within a period of three years from the date of his return.

(2) Where the C.I.F. value of the household effects exceeds \$25,000, the Purchase, Sweepstake, Departure and Airline Ticket Taxes Act and the Stamp Duty Act apply at their full rate in respect of the excess.

(3) This special tax shall be collected on entries of customs and shall be paid to the Comptroller of Customs and Excise who shall be responsible for the tax.

Chap. 78:01 amended

²¹14. The Second Schedule to the Customs Act is amended by inserting immediately after the word "year" in the fourth line, the following—

"or the household effects excluding motor vehicles, of a resident of Trinidad and Tobago returning to reside in Trinidad and Tobago, providing that such resident has resided abroad continually for at least five years and does not migrate within a period of three years of his return."

Ordinance No. 22 of 1961 amended

²²15. The Central Tenders Board Ordinance is amended by inserting immediately after section 23 the following new section—

"Tax Clearance Certificate fee

23A. The Board shall not accept any tender unless it is accompanied by a Tax Clearance Certificate obtained from the Board of Inland Revenue upon payment of a fee of one hundred dollars."

Commencement

²³16. This Order comes into effect on the 8th day of January, 1988.

Made this 8th day of January, 1988.

K. BOSWELL INNIS
Secretary to Cabinet